



permission from O'Reilly to set up on the west corner of their lot. Mr. Crawford's long term plans are to rent or possibly purchase a place in town. He currently has a State of Alabama license, a Shelby County license and a Shelby County Health Department permit. At this time he would require the use of a generator that would be placed so that noise would be at a minimum. He would be open from the first or second week in April through the second or third week in October, depending on the weather. The trailer would be removed each night and set up each morning.

Mayor Handley stated that this would be a temporary business set in a specific location. The council was unanimous in their vote to permit Mr. Crawford to set up his business as discussed. Mayor Handley asked Mr. Crawford to get with the City Clerk to complete the paperwork and asked Elizabeth Smith to set a time for Mr. Crawford to get with him to look at an alternate power source.

### **DEPARTMENT HEAD REPORTS**

- **Admin** – In the absence of the City Clerk, there was no report given.
- **Streets and Maintenance** – In the absence of the Department Head, Allen Reynolds, there was no report given
- **Fire** – Chief Howard stated the old ladder truck in Ashland for water valve adjustments. Transmission warranty work is pending on the brush truck. Scott Owens should be able to get the new letters up on the building this week weather permitting. Repair of the canopy on the building is on hold pending answer from insurance. Calls are around 100 so far for the year (about the same as last year). There was one call in particular from Grede on May 16, 2016 however, there were no injuries. The Public Safety Committee is meeting tonight after council to discuss some concerns as a result of this call.
- **Police** - Chief Vick reported that things were going good. Officer Burleson was injured during a foot chase a few days ago while answering a call about a suspicious vehicle on Mooney Road around 10:15 pm. Fortunately Officer Burleson will be able to return to work as scheduled. Also, this occurred during a shift change and there were four officers involved. There were several arrest with others pending.
- **Environmental Services** – Dale Lucas reported that things were going good. New employee, Allan Keef will be starting school in August in preparation for his waste water license exam. The office is almost complete and ready for the council's "field trip". The camera crew that is to begin filming in preparation for line repairs is on hold due to rain. They are now on another call and will begin work as soon as that obligation is completed. The value of a pump that is used when there is a rain event is \$40,000. Dale said that he will keep looking for one to purchase and would continue to rent a pump when necessary.
- **Library** – In the absence of Director, Tom Rary, an email was given to council members detailing the happenings at the library in the next few weeks. They are focusing on the summer program and calendars giving a detailed listing of the programming for May and June were provided. The county will be turning over about 1,500 square feet of space to the library and the Friends of the Library will assist the city with the new space. This will be delayed due to the

county administrative building renovation. Some of their offices will be moved into the space at the library until renovations are complete.

- **Streets and Maintenance** – In the absence of the Department Head, Allen Reynolds, there was no report given. Allen did want the council to know that he is two full time workers short in his department and is looking to fill these positions.
- **Marketing** – Elizabeth Smith reported that the Main Street Alabama oral presentation is on Thursday. We will know on June 2<sup>nd</sup> which three cities were chosen. Next Friday, May 27, is Karaoke on Main and encourages everyone to help get the word out. Ages 7 and up are encouraged to participate. Liberty Day t-shirts should be in by the end of the month.

Council member Mayfield introduced the 2<sup>nd</sup> reading of the following ordinance:

**ORDINANCE NO. 05-16-01**

AN ORDINANCE REPEALING ORDINANCE NO. 04-16-02 AND AMENDING ORDINANCE NO. 12-12-01 TO ADD AN ADDITIONAL PRIVILEGE TAX ON LIQUOR SALES

WHEREAS, the Mayor and Council of the City of Columbiana, Alabama, have deemed it necessary, proper, and for the benefit of the City to amend Ordinance No. 12-12-01 as previously amended (“Business License Ordinance”) to add an additional privilege tax on liquor sales;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, AS FOLLOWS:

Section 1. That Ordinance No. 04-16-02 is repealed.

Section 2. That § 32, Rate Schedule 8, of Ordinance No. 12-12-01 is amended to read as follows:

**“Rate Schedule #8  
Beer, Wine and Liquor**

- 445 **Alcohol/Beer** – off premise - 050 \$50.00
- 722 **Alcohol/Beer** – on premise – 040 \$75.00
- 445 **Alcohol/Table Wine** – off premise - 060 \$75.00
- 722 **Alcohol/Table Wine** – on premise – 040 \$75.00
- 445 **Alcohol/Liquor/Package Stores** – off premise - 011 \$500.00
- 722 **Alcohol/Liquor** – Restaurant on premise - 020 \$500.00
- 722 **Alcohol/Liquor** – Lounge Retail Class I – 010 \$500.00
- 722 **Alcohol/Liquor** – Club Liquor Class II – 032 \$500.00
- 422 **Alcohol/Beer & Table Wine** – wholesale distributor -110 \$375.00
- 722 **Alcohol Special Event** – \$150.00 first day and \$100.00 each additional day

Requirements: Comply with all requirements pursuant to application for license with the Alcoholic Beverage Control Board Rate Schedule

In addition, upon every person, firm, or corporation engaged or continuing within the City in the business of selling at retail, other than the Alcoholic Beverage Control Board of the State of Alabama, any liquor or alcoholic beverages (excepting beer and table wine) an amount equal to two percent (2%) of the gross proceeds of such sales of the business.”

Section 3. This Ordinance Cumulative to General License Code or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general sales or use tax ordinance of the City, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other taxes imposed by the City.

Section 4. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

Section 5. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall become effective on the first day of June, 2016, and the first payment of taxes hereunder shall be due and payable on the 20<sup>th</sup> day of July, 2016. This ordinance shall remain in full force and effect and shall apply to each month of the year 2016, beginning with the month of June and to each month of each calendar year thereafter from year to year.

THEREUPON Council member Mayfield moved and Council member King seconded the motion that said ordinance be given vote, and said ordinance passed by roll call vote of all members of the Council present. The Mayor declared the vote unanimous and the same passed. Results of the vote:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	<u>X</u>	___
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Adopted and approved this 17<sup>th</sup> day of May, 2016.

Council member Ruston introduced the 2<sup>nd</sup> reading of the following ordinance:

**ORDINANCE 05-16-02**

**AN ORDINANCE AMENDING ORDINANCE NO. 353 AS PREVIOUSLY AMENDED TO FURTHER ADJUST THE BOUNDARIES OF THE ELECTION WARDS**

WHEREAS, the City Council of Columbiana, Alabama, has annexed two parcels of real property to the city limits since the last time the election ward boundaries were amended in 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, AS FOLLOWS:

**Section 1.** Pursuant to the provisions of §§ 11-40-8 and 11-46-23, Code of Ala. 1975, as amended, Section 2(c) of Ordinance No. 353, as previously amended by Ordinance Nos. 12-91-04, 02-92-02, 03-92-01, 12-03-01, and 03-12-01 is further amended by deleting subsection “WARD ONE” of said Section 2(c) as previously amended in its entirety and by substituting the following therefor:

### “WARD ONE

The boundary of Ward One is: Beginning at a point which is the intersection of Egg and Butter Road (County Road 37) and the corporate limits of the City of Columbiana, thence proceed along said limits in generally a northwesterly direction to its intersection with Horton Farm Road. Thence move northeasterly along said road to its intersection with Jonesboro Circle (County Road 78). Thence head easterly along said circle to its intersection with Egg and Butter Road (County Road 37). Thence proceed northerly along said road to its intersection with Old State Route 25 West. Thence travel northeasterly along said route to its intersection with Walton Street. Thence head northwesterly along said street to its intersection with West College Street. Thence move westerly along said street to its intersection with State Route 25. Thence travel northeasterly along said route to its intersection with Joinertown Road (County Road 34). Thence proceed northwesterly along said road to its intersection with a Norfolk Southern Railroad. Thence move southwestly along said railroad to its intersection with State Route 70. Thence travel westerly along said route to its intersection with County Road 343. Thence head northerly along said road to its intersection with the **south line of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 22, Township 21 South, Range 1 West. Thence east along the south line of said <sup>1</sup>/<sub>4</sub>-<sup>1</sup>/<sub>4</sub> section to a point 660 feet west of the SE corner of said <sup>1</sup>/<sub>4</sub>-<sup>1</sup>/<sub>4</sub> section. Thence run North 100 feet. Thence run West 446 feet. Thence run N 11 deg. 22 min. 30 sec. E for a distance of 266.42 feet. Thence run N 75 deg. 03 min. W for a distance of 332.05 feet to a point on the west line of said <sup>1</sup>/<sub>4</sub>-<sup>1</sup>/<sub>4</sub> section. Thence run north along the west line of said <sup>1</sup>/<sub>4</sub>-<sup>1</sup>/<sub>4</sub> section to a point 655 feet south of the NW corner of said <sup>1</sup>/<sub>4</sub>-<sup>1</sup>/<sub>4</sub> section. Thence run N 87 deg. 49 min. E for 669.61 feet. Thence run S 1 deg. 51 min. 30 sec. E for a distance of 520.49 feet more or less, to a point on the northerly line of County Road 343. Thence turn left and run along County Road 343 to a point which is 660 feet, more or less, west of the east line of said <sup>1</sup>/<sub>4</sub>-<sup>1</sup>/<sub>4</sub> section on the corporate limits of the City of Columbiana.** Thence continue along said limits in generally a northeasterly direction to its intersection with the western right of way line of Chelsea Road (County Road 47). Thence head easterly to Chelsea Road (County Road 47). Thence travel southeasterly along said road to its intersection with State Route 25. Thence proceed southwestly along said route to its intersection with an unnamed road. Thence move southeasterly along said unnamed road to its intersection with Depot Street. Thence head southeasterly along said street to its intersection with Main Street. Thence travel southerly along said street to its intersection with County Road 47. Thence proceed southeasterly along said road to its intersection with Schultz Road. Thence move easterly along said road to its intersection with the corporate limits of the City of Columbiana. Thence follow said limits in generally a southerly direction to its intersection with County Road 47. Thence continue along said limits in generally a southeasterly direction and then a southwestly direction to its intersection with the eastern right of way line of an inactive railroad. Thence continue along said limits in generally a northeasterly direction to its intersection with Buie Road. Thence continue along said limits in generally an easterly direction to another intersection with Buie Road. Thence continue along said limits in generally a southwestly direction to its intersection with County Road 47. Thence continue along said limits in generally a westerly direction to its intersection with the western right of way line of an inactive railroad. Thence continue along said limits in generally a westerly direction and a northeasterly direction to its intersection with County Road 47. Thence continue along said limits in generally a westerly

direction to the point of beginning, less and except those portions within the above described ward which are not within the corporate limits of the City of Columbiana.”

**Section 2.** Pursuant to the provisions of §§ 11-40-8 and 11-46-23, Code of Ala. 1975, as amended, Section 2(c) of Ordinance No. 353, as previously amended by Ordinance Nos. 12-91-04, 02-92-02, 03-92-01, 12-03-01, and 03-12-01 is further amended by deleting subsection “WARD FIVE” of said Section 2(c) as previously amended in its entirety and by substituting the following therefor:

#### **“WARD FIVE**

The boundary of Ward Five is: Beginning at a point which is the intersection of the corporate limits of the City of Columbiana and Ferry Road (County Road 28), thence proceed northwesterly along said road to its intersection with Moore Street. Thence head northwesterly along said street to its intersection with Mardis Ferry Road (County Road 30). Thence move westerly along said road to its intersection with Old State Route 25 East. Thence travel southwesterly along said route to its intersection with Goodwin Street. Thence head northerly along said street to its intersection with East Sterrett Street. Thence move westerly along said street to its intersection with West Sterrett Street. Thence head northwesterly along said street to its intersection with State Route 25. Thence proceed northeasterly along said route to its intersection with Chelsea Road (County Road 47). Thence travel northwesterly along said road to its intersection with a point just east of the western right of way line of said road and the corporate limits of the City of Columbiana. Thence head westerly to the western right of way line of Chelsea Road (County Road 47) and the corporate limits of the City of Columbiana. Thence proceed along said limits in generally a northwesterly direction to its intersection with Beeswax Creek. Thence continue along said limits in generally a southwesterly direction and then a northeasterly direction to its intersection with the western right of way line of Chelsea Road (County Road 47). Thence continue along said limits in generally a northwesterly direction to its intersection with Rocky Ridge Road (County Road 343). Thence continue along said limits in generally a northerly direction to another intersection with Rocky Ridge Road (County Road 343). Thence continue along said limits in generally a northeasterly direction to its intersection with Chelsea Road (County Road 47). Thence continue along said limits in generally an easterly direction and then a northwesterly direction to its intersection with Weaver Creek. Thence continue along said limits in generally a northwesterly direction to its intersection with an unnamed road. Thence move northerly along said unnamed road to its intersection with the corporate limits of the City of Columbiana. Thence head easterly along said limits to its intersection with the northwest corner of Township 21 South Range 1 East. Thence continue easterly along said limits to its intersection with an unnamed creek. Thence continue along said limits in generally a southeasterly direction to its intersection with an unnamed creek. Thence continue along said limits in generally a southwesterly direction to its intersection with an unnamed creek. Thence continue along said limits in generally a southwesterly direction and then an easterly direction to its intersection with the western right of way line of Bethel Road (County Road 49). Thence continue along said limits in generally a southerly direction to its intersection with the northern right of way line of State Route 25. Thence continue along said limits in generally a westerly direction to its intersection with an unnamed creek. Thence continue along said limits in generally a northwesterly direction to its intersection with the boundary line of Township 21 South Range 1 West. Thence continue along said limits in generally a southwesterly direction to its intersection with an unnamed creek. Thence continue along said limits in generally a southeasterly direction to its intersection with a Beeswax Creek. Thence continue along said limits in generally an easterly direction to its intersection with the eastern right of way line of State Route 25. Thence continue along said limits in a northeasterly direction to its intersection

with the southern edge of Washboard Road. Thence continue along said limits in generally a southerly direction to its intersection with Washboard Road. Thence continue along said limits in generally a southeasterly direction to its intersection with the eastern right of way line of Alston Farm Road. Thence continue southerly along said limits to its intersection with the southern right of way line of Mardis Ferry Road (County Road 30). Thence continue along said limits in generally a northeasterly direction to its intersection with Beeswax Creek. Thence continue along said limits in generally a southwesterly direction to its intersection with the southern right of way line of Mardis Ferry Road (County Road 30). Thence continue along said limits in generally a southerly direction, **including the S½ of the NW¼ of the SW¼ and the SW¼ of the SE¼ of Section 20, Township 21 South, Range 1 East**, to its intersection with the northern right of way line of Ferry Road (County Road 28). Thence continue northwesterly along said limits to its intersection with Lynn Drive. Thence continue along said limits in generally a southwesterly direction to the point of beginning, less and except those portions within the above described ward which are not within the corporate limits of the City of Columbiana.”

**Section 3.** The Clerk is directed to file within five days after its adoption a certified copy of this Ordinance, accompanied by a map or plat showing the election ward boundaries, with the Judge of Probate of Shelby County, Alabama, and to publish notice thereof, without a copy of such map or plat, as provided in § 11-46-23, Code of Ala. 1975, as amended.

**Section 4.** All other Ordinances or parts of Ordinances contrary to the provisions of this Ordinance are hereby specifically repealed.

**Section 5.** The provisions of this Ordinance are severable, and if any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the remainder of this Ordinance, which shall remain in full force and effect.

**Section 6.** This Ordinance shall become effective upon its passage and publication or posting as required by law.

ADOPTED AND APPROVED THIS 17<sup>th</sup> DAY OF MAY, 2016.

THEREUPON Council member Ruston moved and Council member King seconded the motion that said ordinance be given vote, and said ordinance passed by roll call vote of all members of the Council present. The Mayor declared the vote unanimous and the same passed. Results of the vote:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	<u>X</u>	___
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Council member Ruston introduced the following resolution:

**RESOLUTION 05-16-05**

**Authorizing Mayor to Sign Agreement for Small Paving Projects Around the City**

**Whereas**, the City of Columbiana recognizes the added benefit of the repaving several rough patches around the City; and

**Whereas**, the City of Columbiana has allocated \$30,000 in funds from the Gas Tax Account and accounted for said street projects; and

**Whereas**, these paving projects will best serve the citizens of the City of Columbiana.

**Now, Therefore**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA, that the Mayor is hereby authorized and empowered to sign and execute any and all documents necessary for this project and authorizes the City Clerk to update the 2016 FY Budget to reflect these additional expenditures.

**THEREUPON** Council member Ruston moved and Council member Whiting seconded the motion that said resolution be given vote, and said resolution passed by roll call vote of all members of the Council present. The Mayor declared the vote unanimous and the same passed. Results of the vote:

	Yea	Nay		Yea	Nay
Council member Whiting	<u>X</u>	___	Council member Moore	<u>X</u>	___
Council member Ruston	<u>X</u>	___	Council member King	<u>X</u>	___
Council member Mayfield	<u>X</u>	___	Mayor Handley	<u>X</u>	___

Passed, adopted and approved this 17<sup>th</sup> day of May, 2016.

Council member Ruston introduced the 1<sup>st</sup> reading of the following ordinance:

**ORDINANCE 06-16-01**  
(AMENDMENT TO SIGN ORDINANCE NO. 04-02-02)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA AS FOLLOWS:

That the City of Columbiana does adopt this ordinance, amending Zoning Ordinance No. 215 as amended by Sign Ordinance No. 04-02-02 of the City of Columbiana, as follows:

**Section 1.** Section 9.3 Prohibited Signs: (6) is deleted.

**Section 2.** Section 9.3 Prohibited Signs: (31) is amended to read as follows:

**“§ 9.3. Prohibited Signs**

(31) Billboards, except that existing billboards on the Highway 25 Bypass may convert to signs with a maximum display area of 672 square feet of the digital style with no more than seven (7) messages per minute. All lighting of Billboards shall be done in a manner that will not interfere with commuters’ vision and the light intensity of Digital Billboards shall be adjusted for daylight and dark so as not to impair commuters’ nighttime vision. Exposed backs of signs, poles and

other support structures must be painted black or dark brown to blend with natural surroundings and present a more attractive appearance.

**Section 3.** Section 9.6.3 Nonconforming Signs: (b) is deleted.

**Section 4.** This ordinance shall become effective upon its adoption by the City Council of Columbiana, Alabama and publication or posting as required by law.

#### **CITY INSURANCE POLICY DISCUSSION**

Mayor Handley asked for discussion regarding the death benefit insurance policy the city currently provides for full time employees. In the past, the mayor and council members were also provided this benefit with one council member still covered. After extensive research, the clerk was unable to locate any information where the city would provide this benefit to any part time employees. The council unanimously agreed that the city would continue to provide this benefit to full-time employees only and would take steps to discontinue coverage to anyone that is not full-time.

#### **ARCHITECTURAL REVIEW BOARD**

It was brought to the attention of the council that the current ordinance on the books establishing the Architectural Review Board does not give any authority to the board regarding guidelines and requirements for new structures being constructed within our city limits. The board may make suggestions regarding construction and landscaping but cannot make requirements or refuse construction of a building. The council unanimously agreed that this would have to be remedied. It was suggested and agreed that the city contact other municipalities regarding their guidelines and ordinances for a starting point. The council also agreed that this should be addressed as soon as possible.

Park & Rec Board – Board Member Ricky Ruston stated the Park & Rec Board will prepare the following recommendations at their next meeting for presentation to council:

- Football field at the sports complex – Far side of the field needs to be excavated allowing for completion with bleachers.
- Urgent Need - Shed at the back of the complex is unsecured. They have a volunteer to provide labor for the installation of a new door and lock. The city will need to provide materials.
- Recommendations for renting of the facility.
- Need of a new PA system.
- Gun control at the complex. Chief Vick will get information and/or requirements.
- Public Restrooms – An outside contract for cleaning of the facilities may be needed. Will the facilities remain open at all times?

The council agreed to provide materials for the shed at the back of the complex and look into going ahead and purchasing a new PA system. Other items will need to be considered with budget preparations for next fiscal year.

## **OLD HWY 25 ABATEMENT UPDATE – BENTLEY CHAINSAW**

After speaking with Kelly Fox of Hand Arendall, LLC, and Mr. & Mrs. Bentley, Mayor Handley updated the council on the status of the Old Hwy 25 Abatement of the Bentley Chainsaw property. The property has been cleaned up and the building painted. There was discussion regarding the sheds on each end of the building and the council agreed that if these were torn down and cleaned up by June 2, 2016 the property would be released from the abatement process. In the event that the sheds are not torn down and cleaned up by June 2, 2016, the property would be abated.

### **MAYOR'S REPORT**

- National Crime Grant – Reggie Holloway reported to the Mayor that the National Crime Grant request has been filed. The Mayor thanked Chief Vick and Elizabeth Smith for their assistance in gathering the information needed.
- Old Mill Square – Clean up of the property is complete. The process of building will begin as follows:
  - Phase 1: There is a major drainage problem. Grading has to be finished to fix the drainage problems. This will be an extensive and timely process.
  - Phase 2: The city garage portion of the building and the shell for the Arts Council will be completed next.
- Relay for Life will be held on Friday, May 20, 2016. In case of rain the event will be moved to Shelby County High School.

### **ANNOUNCEMENTS**

- Council member Whiting relayed special thanks from Reggie Holloway for the assistance the city provided in gathering information needed for the National Crime Grant.
- There will be a public Safety Meeting immediately after council.

### **PUBLIC COMMENTS**

- Mr. David Shumate addressed the council regarding his desire to purchase property and possibly divide into lots off Egg Butter Road. After some discussion it was determined that Mr. Shumate was originally on the agenda for Planning & Zoning meeting but due to a mix up he had not attended. Mr. Shumate will get with Planning & Zoning in order to be placed on their agenda for the next meeting.
- Mr. Ken Whitner addressed the council regarding run off from a neighboring property that has significantly damaged his private drive. The damage is a result of the cutting of timber allowing excessive run off. Mayor and council advised Mr. Whitner that the city could not keep someone from cutting trees on their own property. Mayor and council agreed that if someone would purchase the pipe needed, the city would assist in putting it in.

- It was mentioned that before the excavation begins at the sports complex, the city needs to keep in mind that there is an electrical circuit between the concrete poles.

There being no further business, Council member Whiting moved that the meeting be adjourned. Council member King seconded and the motion passed by vote of all members of the Council present. Mayor Handley declared the meeting adjourned at 7:58 p.m.

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Frances Sammons, Assistant City Clerk

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Stancil Handley, Mayor